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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,556	10/30/2002	Ronald Hugh Miller	201-1454 FAM	7620

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EXAMINER

LA, ANH V

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 05/23/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,556

Applicant(s)

Ronald Miller et al

Examiner

Anh La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not include the date of the notary's signature.

2. The drawings are objected to because there are two reference number "18" in figure 1.

3. The specification is objected to because on page 4, lines 1-4, the phrases "Memory 14" should be changed to --Memory 32--.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-8, 11-15, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujinami.

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Regarding claims 1, 7, and 13, Fujinami discloses a warning system/method comprising a camera 1 generating a plurality of images, an indicator 6, a controller 4 coupled to the indicator receiving the plurality of images, the controller generating a size, a position, and a track for a rear approaching vehicle, the controller activating the indicator when the rear approaching vehicle enters a blind spot as determined in response to the size, track and position (abstract, see figures 4-6, and 8).

Regarding claims 2, 8, Fujinami discloses the camera has a rear field of view adjacent to the blind spot (column 1, lines 45-50, col. 4, lines 16-24).

Regarding claims 5, 11, 17, Fujinami discloses a rear-facing camera 1.

Regarding claims 6, 12, Fujinami clearly discloses the camera being mounted to a rear panel of the subject vehicle.

Regarding claim 14, Fujinami discloses the step of determining a trajectory from the plurality of images of the object (see figures 4-6, and 8).

Regarding claim 15, Fujinami discloses a plurality of images from a camera (fig. 2).

Regarding claim 18, Fujinami discloses an audible warning 6b.

Regarding claim 19, Fujinami discloses a visual warning 6a.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujinami in view of Schnee.

Regarding claims 3, 9, and 16, Fujinami discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a low light camera. Schnee teaches the use of a low light camera (abstract). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a low light camera to the system/method of Fujinami as taught by Schnee for the purpose of effectively monitoring the blind spot of the vehicle.

7. Claims 4, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujinami in view of Werbos.

Regarding claims 4 and 10, Fujinami discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a fuzzy neural network in the controller. Werbos teaches the use of a fuzzy neural network in a controller (abstract, col. 2, lines 14-65). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a fuzzy neural network in the controller to the system of Fujinami as taught by Werbos for the purpose of effectively classifying the object in response to the size, track and position signal.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee, Tyckowski, and Gutta disclose vehicle monitoring systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner La whose telephone number is (703) 305-3967. The examiner can normally be reached on Monday--Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Daniel J. Wu, can be reached at (703)-308-6730. The fax phone number for this Group is (703) 872-9314.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Anh V. La
Primary Examiner
May 16, 2003